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Senate

(Legislative day of Tuesday, June 22, 2004)

The Senate met at 9:30 a.m. on the expiration of the recess, and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Wondrous Sovereign of the sea, land, and air, at Your command, oceans and rivers flow and flowers blossom. Mountains and hills tremble in Your presence. Be exalted, O God, among the nations.

Bless America. Illuminate its path through the night with Your divine light. Bless these gifted Senators to whom You have delegated the challenging responsibility of governmental service. May they exercise their authority responsibly. Help them to be faithful stewards of Your blessings. Remind them that they possess nothing of value that they have not received, for every good gift comes from You. Protect all who put their trust in You, particularly the members of our military. Help those whom You have set upon the sure foundation of Your loving-kindness.

We pray this in the Name of the One who lives and reigns with You now and forever.

Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we resume consideration of the Defense authorization bill. The agreement last night provides for debate on five amendments prior to the votes in relation to those amendments. Those amendments are the Corzine amendment on Reserve retirement, the McConnell amendment and Kennedy amendment on an Iraq report, the Reed amendment on missile defense, and the Byrd amendment on troop cap.

If all debate time on these amendments is used, we will proceed to a series of votes at approximately 11:15 this morning. I had originally hoped and expected we would be voting on final passage of the Defense bill this morning. Unfortunately, we have not been able to reach an agreement providing for the Senate to complete the bill. Therefore, last night I filed a cloture motion in the event we don't complete the bill. Our intention is to complete the bill this afternoon.

If we are unable to complete the Defense bill, that cloture vote would occur tomorrow. This is the fourth week of consideration of the Defense authorization, and it is time for us to finish the bill. I think we are proceeding along those lines.

I remind my colleagues that if a cloture vote occurs and the Senate votes cloture, germane amendments will still be in order in addition to an additional 30 hours of debate. It is vitally important that we consider the Defense appropriations bill this week, which will ensure our troops have the appropriate resources available to them. We need to begin this appropriations process, and I will be seeking an agreement on the Defense appropriations bill this week before the recess.

I add we will have additional judicial nominations today and into the evening, if necessary. We need to have those votes. We still have nine nomi-

nees who are to be considered on the floor and voted upon. These unanimous votes clearly will consume valuable Senate time and it may be necessary to have these votes into the evening to ensure we process these judicial nominations.

Finally, we have an additional 23 ambassadorships and U.N. Representatives which are now available on the calendar. Included on this list is the nomination of one of our former colleagues, Jack Danforth, to be our Ambassador to the U.N. These are vitally important nominations to act on. We need to do that expeditiously. We have had a blanket objection to executive nominations, but I believe these diplomatic nominations should not be held up for unrelated issues.

I have heard there may be debate necessary on the Danforth nomination. I hope we can look at a reasonable amount of time, or we will be here late at night, or we will have to delay the start of the recess in order to vote on these important nominations.

I yield the floor.

Mr. KENNEDY. Will the leader yield for a question?

Mr. FRIST. Yes.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. First, the Senator from Nevada is recognized.

FINISHING DOD AUTHORIZATION

Mr. REID. Mr. President, we on this side want to finish this bill. In fact, last night, as we indicated, we agreed to shorten the time to the five amendments that are pending. We want to move forward. We feel we can finish this bill. One of the suggestions—and I have not had a chance to talk to the managers—but rather than having the votes after this stack, we can have another series of amendments when we

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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finish debate on these, so we would not be interrupted continually with votes.

We are going to do everything within our power to complete this bill as quickly today as possible. There has been this contentious issue raised dealing with delaying amendments. This is not going to hold up this bill. We believe we can dispose of these amendments in a relatively short period of time and go to final passage. The Leahy amendment should not hold up this bill. We have cooperated, we feel, immeasurably. We started out with about 300 amendments, and we have completed work on these. We are waiting to go. We hope the time is shortened, and we will move forward and do the best we can.

I apologize to my friend from Massachusetts. He has a question to ask.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Yes. One of the amendments we were considering yesterday was the Reid amendment, offered on behalf of the Senator from Vermont, myself, and other members of the Judiciary Committee, about getting certain reports we have not been able to receive yet. I am wondering, since it is still in order, whether we are going to have an opportunity to address that issue in a short time discussion or debate, or is it the position of the majority leader that we are not going to have an opportunity to have that amendment offered and considered and voted on and disposed of?

Mr. FRIST. Mr. President, in response, through the Chair, that discussion continued last night with the managers as to how that particular amendment is handled. What we did do last night, so we can continue business, is agree upon the five we laid out. No commitments have been made, at least from the leadership level, in terms of particular amendments that are out there.

So I suggest right now, or after you complete your remarks, getting together with the managers of the bill. Right now the only agreement is we will continue straight ahead with these five amendments and keep the ball rolling.

Mr. KENNEDY. Mr. President, I thank the majority leader for his willingness to move ahead. There are a number of us who are going to insist we at least have an opportunity to offer that amendment and address it at some time. I know I can speak for the Senator from Vermont, and he would be willing to enter into a short time agreement. It is a matter of enormous importance and consequence involving, we believe, the security of American troops because that is what the Geneva Conventions are all about: protecting American troops.

It is important on an issue of this importance and consequence that we move toward final conclusion, that we have a resolution of that issue. As a matter of fact, it is, I believe, imperative.

I thank the majority leader. We will find how we can deal with this issue over the course of the day. I thank our leader as well.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2400, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2400) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Service, and other purposes.

Pending:

Bond modified amendment No. 3384, to include certain former nuclear weapons program workers in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program and to provide for the disposal of certain excess Department of Defense stocks for funds for that purpose.

Reed amendment No. 3353, to limit the obligation and expenditure of funds for the Ground-based Midcourse Defense program pending the submission of a report on operational test and evaluation.

Bingaman Amendment No. 3459, to require reports on the detainment of foreign nationals by the Department of Defense and on Department of Defense investigations of allegations of violations of the Geneva Convention.

Warner amendment No. 3460 (to amendment No. 3459), in the nature of a substitute.

Feingold modified amendment No. 3288, to rename and modify the authorities relating to the Inspector General of the Coalition Provisional Authority.

Landrieu/Snowe amendment No. 3315, to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, and to provide for a one-year open season under that plan.

Reid (for Daschle) amendment No. 3409, to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation.

Ensign amendment No. 3467 (to amendment No. 3315), to provide a fiscally responsible open enrollment authority.

Daschle amendment No. 3468 (to amendment No. 3409), to assure that funding is provided for veterans health care each fiscal year to cover increases in population and inflation.

Reid (for Akaka) amendment No. 3414, to provide for fellowships for students to enter Federal service.

Reid (for Leahy) amendment No. 3387, relative to the treatment of foreign prisoners.

Warner (for Lott) amendment No. 3220, to repeal the authority of the Secretary of Defense to recommend that installations be placed in inactive status as part of the recommendations of the Secretary during the 2005 round of defense base closure and realignment.

Warner (for Bennett/Hatch) amendment No. 3373, to provide for the protection of the Utah Test and Training Range.

Warner (for Bennett) amendment No. 3403, to prohibit a full-scale underground nuclear test of the Robust Nuclear Earth Penetrator weapon without a specific authorization of Congress.

Warner (for Inhofe) amendment No. 3280, to reauthorize energy saving performance contracts.

Warner (for McCain) amendment No. 3442, to impose requirements for the leasing of aerial refueling aircraft for the Air Force.

Warner (for McCain) Amendment No. 3443, to impose requirements for the aerial refueling aircraft program of the Air Force.

Warner (for McCain) amendment No. 3444, to restrict leasing of aerial refueling aircraft by the Air Force.

Warner (for McCain) amendment No. 3445, to prohibit the leasing of Boeing 767 aircraft by the Air Force.

Levin (for Biden/Lugar) amendment No. 3378, to provide certain authorities, requirements, and limitations on foreign assistance and arms exports.

Levin (for Byrd) amendment No. 3423, to modify the number of military personnel and civilians who may be assigned or retained in connection with Plan Colombia.

Levin (for Byrd) amendment No. 3286, to restrict acceptance of compensation for contractor employment of certain executive branch policymakers after termination of service in the positions to which appointed.

Levin (for Corzine) amendment No. 3303, to amend title 10, United States Code, to reduce the age for receipt of military retired pay for nonregular service from 60 to 55.

Levin (for Daschle) amendment No. 3328, to require the Secretary of the Air Force to maintain 3 additional B-1 bomber aircraft, in addition to the current fleet of 67 B-1 bomber aircraft, as an attrition reserve for the B-1 bomber aircraft fleet.

Levin (for Daschle) amendment No. 3330, to authorize the provision to Indian tribes of excess nonlethal supplies of the Department of Defense.

Levin (for Dayton) amendment No. 3203, to require a periodic detailed accounting of costs and expenditures for Operation Iraqi Freedom, Operation Enduring Freedom, and all other operations relating to the Global War on Terrorism.

Levin (for Dodd) amendment No. 3311, relating to the imposition by the Department of Defense of offsets against certain contractors.

Levin (for Dodd) amendment No. 3310, to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to the Federal law enforcement officers in certain high-cost areas.

Levin (for Feingold) amendment No. 3400, to enable military family members to take leave to attend to deployment-related business and tasks.

Levin (for Graham (FL)) amendment No. 3300, to amend the Haitian Refugee Immigration Fairness Act of 1998.

Levin (for Leahy) amendment No. 3388, to obtain a full accounting of the programs and activities of the Iraqi National Congress.

Levin amendment No. 3336, to authorize the demolition of facilities and improvements on certain military installations approved for closure under the defense base closure and realignment process.

Levin (for Kennedy) amendment No. 3201, to assist school districts serving large numbers or percentages of military dependent children affected by the war in Iraq or Afghanistan, or by other Department of Defense personnel decisions.

Levin (for Kennedy) amendment No. 3377, to require reports on the efforts of the President to stabilize Iraq and relieve the burden on members of the Armed Forces of the United States deployed in Iraq and the Persian Gulf region.